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REMARKS

Claims 1-8 were pending in the present Application. Claim 1 has been amended, Claim 2 has been canceled, and Claims 9-15 have been added, leaving Claims 1-15 for consideration in the present amendment. Support for the amendment to Claim 1 can be found in paragraph [0033].

Claim Rejection Under 35 USC §102(e)

Claims 1-6 and 8 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication Number US 2002/0060526 A1 to Timmermans (hereinafter "Timmermans"). Applicants respectfully traverse.

Timmermans is directed to a light tube for illumination by a power supply circuit. The light tube includes a plurality of light emitting diodes for providing the illumination.

Applicants' Claim 1 is directed to a retrofit LED light tube for replacing a fluorescent light tube in a troffer fixture, the LED retrofit light tube comprising an elongated cylindrical transparent envelope; a base cap at each end of the envelope, wherein the base cap comprises a first prong and a second prong extending from the base cap, wherein the first and second prongs are adapted to electrically communicate with a fluorescent light socket; and at least one LED device in electrical communication with the base cap, wherein a positive terminal of the LED device is in electrical communication with the first prong and a negative terminal is in electrical communication with the second prong, wherein the at least one LED device consists of organic light emitting diodes.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). The exclusion of a claimed element, no matter how insubstantial or obvious, from a prior art reference is enough to negate anticipation. *Connell v. Sears, Roebuck and Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983). Moreover, missing elements may not be supplied by the knowledge of one skilled in

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the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Timmermans fails to anticipate Applicants Claim 1 because Timmermans fails to disclose a retrofit light tube including, *inter alia*, organic light emitting diodes. As noted by the Examiner, there is no disclosure of organic light emitting diodes in Timmerman. In order to support an anticipation rejection based on inherency, an Examiner must provide factual and technical grounds establishing that the inherent feature necessarily flows from the teachings of the prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int. 1990); *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981) (holding that inherency must flow as a necessary conclusion from the prior art, not simply a possible one). As noted, Timmermans fails to disclose organic light emitting diodes. Although the Examiner appears to consider this feature to be inherent in Timmermans, no evidence or reasons therefore are stated. In relying on the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art. The only disclosure in Timmermans is of a white LED having defined viewing angle characteristics. Organic light emitting diodes are markedly different from the white LEDs described by Timmermans, and as such, will likely require different circuitry.

Accordingly, Claim 1 is patentably distinguished from Timmermans and the rejection should be withdrawn. Given that Claim 3-8 depend from Claim 1, these claims are patentably distinguished for at least the same reasons.

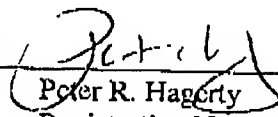
New Claims

Claims 9-15 have been added to further claim the invention. Claim 9 includes the features of original Claim 7 as well as all of the limitations of its respective base claim, which was indicated as allowable if rewritten independent form.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

Respectfully submitted,

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Date: February 19, 2004

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